

INTRADEPARTMENTAL CORRESPONDENCE

February 28, 2020
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING NO. 018-19

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OFFICE OF THE INSPECTOR GENERAL

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 018-19. A Use of Force Review Board (UOFRB) was convened on this matter on February 3, 2020. I have reviewed and adopted the recommendations from the UOFRB, with the exception of their recommendation regarding the Use of Lethal Force finding (Rounds 5-15) for Officer A. Burton, Serial No. 40021, Southeast Area Community Safety Partnership (CSP). I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On April 30, 2019, Officers D. Ybarra, Serial No. 36360, and D. Skotte, Serial No. 43709, Southeast Patrol Division, were in full uniform, driving a marked black and white police vehicle. At the time of the incident, Officer Skotte was a probationary officer with approximately three months in the field. Officers Ybarra was Officer Skotte's assigned Field Training Officer and they had worked together for approximately three weeks prior to the day of the incident.

At approximately 2258 hours, Communications Division (CD) broadcast a radio call of a man with a handgun at 1924 East 113th Street. The comments of the call indicated the suspect was a male Hispanic, possibly under the influence of narcotics, talking to himself and waving a handgun. Officers Ybarra and Skotte advised CD that they were responding to the radio call.

According to Officer Ybarra, he had a prior discussion with Officer Skotte regarding *tactics* and *tactical considerations*. Officer Ybarra advised Officer Skotte *to be mindful of cover* due to the nature of the radio call.

Officers R. Sanchez, Serial No. 37805, and M. Digangi, Serial No. 40679, Air Support Division, were in uniform flight suits in a police air unit. Officer Digangi was piloting the air unit while Officer Sanchez was acting as his Tactical Flight Officer. Officer Sanchez advised CD that they were responding to the radio call and arrived at approximately 2302 hours.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

According to Officer Sanchez, he advised CD when they were over the call. Officer Sanchez located the suspect, later identified as E. Robles, standing on top of a vehicle. Officer Sanchez *illuminated* Robles with the *night sun* and *updated* responding units of the *suspect's actions*.

Note: Officers Ybarra and Skotte were the first unit to arrive in the vicinity of 1924 113th Street at approximately 2305 hours.

According to Officer Ybarra, as they *turned down* 113th Street, he was *looking for the address*. Officer Ybarra *perceived the light* of the air unit to be *further down than the actual location of suspect* and continued driving east on 113th Street. Upon observing Robles, Officer Ybarra *immediately stopped* his police vehicle at the *western border* of 1927 113th Street (**Debriefing Point No. 1**).

According to Officer Sanchez, he was using his *binoculars* to watch Robles when Officer Digangi advised him that a *black and white* was approaching the location. As the police vehicle approached the location, Officer Sanchez *observed* Robles *lift up* his shirt, *remove a handgun from his waistband*, and *point it* at the police vehicle and *begin firing*.

According to Officer Ybarra, as he stopped his police vehicle, Robles looked in their direction, *yelled something*, *raised his right hand and began shooting* at him and Officer Skotte. Officer Ybarra was *simultaneously attempting to put it* (police vehicle) *in park* and exit his police vehicle when the officers *started receiving rounds*. Unable to place the police vehicle *in park*, Officer Ybarra remained in the police vehicle, stepped on the brake and drew his service pistol (**Drawing/Exhibiting**).

According to Officer Skotte, Robles was *standing behind* a vehicle in the driveway, *watching* Officers Skotte and Ybarra. As the police vehicle came to a stop, Robles *raised a gun* and began *firing* at Officers Skotte and Ybarra. Officer Skotte exited the police vehicle and drew his service pistol (**Drawing/Exhibiting**).

According to Officer Ybarra, Robles *produced* a handgun, held it at *shoulder length* and fired. Officer Ybarra *saw muzzle flash* and *debris in front of him* and believed rounds were *hitting* his police vehicle. Officer Ybarra, in *fear for his safety*, *returned fire*, firing five rounds. Officer Ybarra continuously assessed after *each round* and saw that *the suspect was upright* and that Robles' *hand was up*. Officer Ybarra *lost sight of him* (Robles) and determined Robles was no longer a threat. Officer Ybarra ceased firing. Officer Ybarra *parked* the police vehicle, exited, and took a *position of cover* at a *parked vehicle* while assessing the situation and waiting for additional resources (**Lethal Use of Force**).

According to Officer Skotte, as he stepped out of the police vehicle, the *suspect was shooting* at him and Officer Ybarra. Officer Skotte was *thinking* that he could be *killed* and fired *about four rounds* from his service pistol at Robles to *stop the threat*. Officer Skotte conducted assessments as he was firing and *stopped firing* when Robles was *no longer visible* and no longer a threat. Officer Skotte broadcast *officer needs help* via his handheld radio and then *activated* his BWV camera. Officer Skotte continued to stand behind the front passenger door ballistic panel of his

police vehicle, using it as cover, while assessing the situation and waiting for additional resources (**Lethal Use of Force**).

Note: The investigation revealed that Officer Skotte fired five rounds from his service pistol.

According to Officer Sanchez, he broadcast *officer needs help* and observed Robles get into a *prone position* behind an *open door* on the driver's side of the vehicle parked in the driveway. Robles was *laying on his stomach*, holding the handgun in his *right hand*. Robles appeared to be *pointing* the handgun towards the *gate* of the yard to the property. Officer Sanchez relayed his observations and *advised* officers not to approach Robles.

According to the FID investigation, Officer Ybarra and Skotte's police vehicle sustained two impacts from Robles' gunfire during the incident.

The following personnel responded to the initial radio call and subsequent help call: Sergeant G. Ruiz, Serial No. 37408, and Officers B. Lugo, Serial No. 38698, C. Garcia, Serial No. 40032, S. Fuchigami, Serial No. 43010, J. Gov, Serial No. 43040, D. Sweet, Serial No. 36654, K. Espinoza, Serial No. 40151, R. Garcia, Serial No. 39758, C. Guereca, Serial No. 41060, A. Hugoboom, Serial No. 41159, M. Marin, Serial No. 42989, W. Hawkins, Serial No. 25889, M. Chung, Serial No. 41798, C. Cooper, Serial No. 42929, S. Rareba, Serial No. 42247, O. Languren, Serial No. 43294, Southeast Patrol Division. Additionally, Officers O. Medina, Serial No. 38585, R. Rivera, Serial No. 39415, B. McPheeters, Serial No. 30483, and V. Lopez, Serial No. 38194, Metropolitan Division also responded (**Additional Tactical Debrief Topics – Maintaining Control of Equipment and Beanbag Shotgun Manipulations**).

Note: The investigation revealed that the aforementioned personnel arrived at scene between approximately 2305 and 2308 hours. Additionally, while traveling to the help call, multiple Southeast Patrol Division units utilized a technique referred to as "leapfrogging" during their emergency response driving and vehicle operations (**Chief's Direction**).

According to Officer Gov, as they arrived at the location and parked the police vehicle, Officer Gov heard *approximately three to four shots*. Officer Gov exited his police vehicle, drew his service pistol, and attempted to locate Robles while taking cover behind the passenger door of Officer Skotte's police vehicle (**Drawing/Exhibiting and Additional Tactical Debrief Topics – Basic Firearms Safety Rules**).

According to Officer Fuchigami, as he and Officer Gov arrived at the location, Officer Gov advised him, "They're shooting. They're shooting." Officer Fuchigami heard *at least one gunshot* as he exited the police vehicle. Officer Fuchigami drew his service pistol and *pointed* it in the *general direction* of the *house* where he believed Robles to be located before taking cover (**Drawing/Exhibiting**).

According to Officer Sweet, as his partner, Officer Espinoza, *negotiated a turn* onto 113th Street, Officer Sweet could *hear shots being fired*. Officer Sweet directed Officer Espinoza to *stop the* police vehicle, at which time, Officer Sweet exited and located Officer Ybarra. Believing he was

going to confront *an active shooter*; Officer Sweet drew his service pistol as he approached and *made contact* with Officer Ybarra to make confirm Officer Ybarra *was okay* (Drawing/Exhibiting).

According to Officer Espinoza, after the airship broadcast, "Shots fired, officer needs help," he exited his police vehicle, drew his service pistol, and *ran towards* Officer Ybarra. Officer Espinoza could *smell gun smoke* as he approached Officer Ybarra who advised him to *get back*. Officer Espinoza *did his best* to take cover *behind an engine block* of a parked car (Drawing/Exhibiting).

According to Officer Gov, he *redeployed* along with a *rifle officer* to find another vantage point. Officer Gov moved to the south sidewalk of 113th Street and used a *vehicle* as cover. Officer Gov was able to *see* Robles *proned on the ground*, holding a *gun* in his right hand. Robles had his *finger on the trigger* of the handgun.

According to Officer Fuchigami, he observed Officer Gov redeploy to the south sidewalk of 113th Street. Officer Fuchigami followed behind Officer Gov, who took a position of cover behind a vehicle. Robles was *proned out, belly down on the ground, facing southbound* and Officer Fuchigami observed him holding *some kind of liquor* in his *left hand* and a *gun* in his *right hand*. Officer Fuchigami ordered Robles to *drop the gun* twice.

According to Officer Guereca, he parked his police vehicle, exited, and drew his service pistol. Officer Guereca approached the officers who were positioned behind a vehicle parked along the north curb of 113th Street. Officer Guereca drew his service pistol due to the *comments of the call* and since *it was a tactical situation where deadly force would be justified* (Drawing/Exhibiting).

According to Officer R. Garcia, as they were *approaching*, he heard the airship broadcast a *help call for shots fired*. Officer Garcia exited his police vehicle and retrieved his Benelli M4 shotgun from the trunk of his police vehicle because he *wasn't sure if a shotgun or a rifle was deployed*. Officer R. Garcia approached the passenger side of Officers Ybarra and Skotte's police vehicle (Drawing/Exhibiting).

Note: A review of Officer R. Garcia's BWV by FID investigators captured Officer R. Garcia ask another officer for Robles' position. Officer R. Garcia then notified other officers at scene that he was going to redeploy.

According to Officer R. Garcia, he *felt that the cover wasn't good enough*, so he redeployed to the south sidewalk of 113th Street, *using the engine block* of a parked vehicle as cover. Officer R. Garcia *conducted a selective slug roll out²*, exchanging the buckshot round in his shotgun for a slug round due to the presence of multiple *barriers*, including a *wrought iron fence* and the *vehicle door* Robles was using for cover.

² The Select Slug Rollout is a technique which allows for a rapid change of the ammunition contained in the chamber of a shotgun.

According to Officer Marin, he exited his police vehicle before he approached the passenger side of Officers Ybarra and Skotte's police vehicle. Due to the *nature of the radio call* and that he felt the *situation may escalate to the point where deadly force may be used*, Officer Marin drew his service pistol. Marin *didn't have enough* cover behind the door of the black and white, so he redeployed, *taking cover* behind a vehicle parked along the south curb of 113th Street. **(Drawing/Exhibiting).**

According to Officer Hugoboom, he exited his police vehicle, deployed his Remington 870 shotgun, and approached the passenger side of Officers Ybarra and Skotte's police vehicle. Officer Hugoboom exhibited his shotgun because Robles was armed with a *gun* and the broadcasted *help call*. Officer Hugoboom was unable to see Robles and *redployed* to the south sidewalk of 113th street, positioning himself behind a *parked vehicle for cover*. Officer Hugoboom called out for someone to get on the PA system and give Robles commands. **(Drawing/Exhibiting).**

At approximately 2307 hours, Sergeant Ruiz arrived and was the first supervisor at scene. Sergeant Ruiz parked his police vehicle along the south curb of 113th Street east of Wilmington Avenue, exited his police vehicle, and walked towards the passenger side of Officers Ybarra and Skotte's police vehicle. Sergeant Ruiz *tried to ascertain* which unit was the *primary unit* and approached Officers Ybarra and Skotte's police vehicle. Sergeant Ruiz spoke with Officer Skotte who advised Sergeant Ruiz that he and Officer Ybarra were the first to arrive at scene and Robles had shot at them. An officer *brought to his attention* that officers who were taking cover behind a parked along the north curb of 113th Street were in close proximity to Robles. Sergeant Ruiz *approached* Officer Espinoza and directed him to *pull back* from his location **(Additional Tactical Debrief Topics – Tactical Communication).**

According to Officer McPheeters, as he and Officer Lopez responded to the help call, he *knew* that they were going to *deploy* their Patrol Rifles when he heard that Robles was *trying to hide behind his vehicle* and *take a position of advantage*. When they exited their police vehicle, Officer McPheeters *retrieved* his Patrol Rifle because Robles *had already shot at officers* and he knew the Patrol Rifle round could *penetrate through metal on the vehicle*. According to Officer McPheeters, he *saw an officer* armed with a service pistol and *asked* him to *relinquish position* at which time, he took a *position of advantage* at the passenger side of the black and white near Robles. *Utilizing the engine block as cover*, Officer McPheeters could *see a metallic object* in Robles *right hand* and heard an officer to his right *telling* Robles to drop the *gun*. **(Drawing/Exhibiting).**

Note: According to the FID investigation, Officer McPheeters' Patrol Rifle was equipped with a Trijicon ACOG, three-power magnification scope.³

³ If utilized, a three-power magnification scope permits the user to view an image which appears three times closer through the scope than it does to the naked eye.

According to Officer Lopez, when he arrived, he *deployed* his Patrol Rifle *because of the nature of this call, the fact that there was already shots fired*, and so that he could *deploy a weapon system that's superior* to what Robles may have had **(Drawing/Exhibiting)**.

The FID investigation revealed that the following personnel arrived at scene at approximately 2309 hours: Sergeants A. Castellanos, Serial No. 40202, J. Cohen, Serial No. 38352, J. Salazar, Serial No. 35827, Southeast Patrol Division, and C. Valento, Serial No. 38160, Southeast Area, Gang Enforcement Detail (GED), along with Officers G. Reyes, Serial No. 39302, A. Burton, Serial No. 40021, Southeast Area, Community Safety Partnership (CSP), B. Williams, Serial No. 40847, Southeast Area, GED, A. Hall, Serial No. 42199, T. Roth, Serial No. 43433, Southeast Patrol Division, and Sergeant J. Severns, Serial No. 33807, along with Officer D. Oviatt, Serial No. 33495, Metropolitan Division.

According to Officer Burton, he and Officer Reyes approached west on 113th Street and *parked* approximately four houses east of the driveway where Robles was located. Officer Burton exited his police vehicle, retrieved his Patrol Rifle from the truck, and ran west on 113th taking a position of cover behind a vehicle parked along the south curb of 113th Street. Officer Burton exhibited his Patrol Rifle because Robles had already *fired at officers* and Officer Burton *wanted to be out of the line of fire* where he *could safely return fire from a distance* **(Drawing/Exhibiting)**.

Note: According to the FID investigation, Officer Burton's Patrol Rifle was equipped with a Leupold Mark 4, three-power magnification scope.

According to Officer Reyes, he exited his police vehicle and followed Officer Burton. Officer Reyes positioned himself to the east of Officer Burton and drew his service pistol. Officer Reyes drew his service pistol because *the tactical situation could lead to deadly force* based on the *help call* and that there were *shots fired already* at the officers **(Drawing/Exhibiting)**.

According to Sergeant Valento, once he arrived, he observed a *group of officers* that were *stacked up behind* parked vehicles on the south side of the street. Sergeant Valento did not *see any supervisors* with them and *immediately* went to provide *supervisory oversight* for those officers. Sergeant Valento observed that Robles was *lying* on the ground with his *arms out in front of him* holding what Sergeant Valento *believed* to be a *weapon* **(Additional Tactical Debrief Topics – Tactical Communication)**.

The FID investigation revealed that the second OIS occurred approximately five minutes after the first OIS. The investigation also revealed that Sergeant Valento arrived at Officers Ybarra and Skotte's police vehicle approximately six seconds prior to the second OIS.

The following accounts do not reflect the chronological order in which the officers involved in the second OIS utilized lethal force, as the officers discharged their respective weapons simultaneously.

According to Officer Fuchigami, he believed that Robles was *looking at* him. Robles *raised* the *gun* and pointed the *muzzle towards* Officer Fuchigami and his fellow officers. *Believing* Robles *was about to shoot him or one of the officers*, Officer Fuchigami fired two rounds from his service pistol at Robles to stop the threat. Officer Fuchigami conducted assessments as he was firing and stopped firing when he observed that Robles was *not moving* and *bleeding* (**Lethal Use of Force**).

Note: The FID investigation revealed that Officer Fuchigami fired three rounds from his service pistol.

According to Officer Espinoza, he observed Robles holding a handgun while Robles was in a *tactical position* on his *stomach* trying to *conceal himself*. Knowing that Robles had *engaged officers* and tried to *kill them*, Officer Espinoza believed that Robles was *assessing* and looking for a *target*. Officer Espinoza observed Robles *point the gun* in his direction. Believing that Robles was *going to take a shot at* him, Officer Espinoza fired one round from his service pistol at Robles to stop the threat. After firing his first round, Officer Espinoza heard *numerous gunshots* and believed that he was *being engaged* by Robles. Officer Espinoza fired *additional* rounds from his service pistol at Robles. Officer Espinoza conducted an assessment and observed Robles *still facing towards* them with his *gun raised up in their direction*. Officer Espinoza continued to fire *additional* rounds from his service pistol at Robles until he *observed* Robles' *face was slumped down*. Officer Espinoza believed that he fired a total of five rounds from his service pistol at Robles to stop the threat (**Lethal Use of Force**).

Note: The FID investigation revealed that Officer Espinoza fired a total of nine rounds from his service pistol.

According to Officer Guereca, he observed Robles *laying on the floor* holding a handgun with his right hand *extended out*. Officer Guereca observed Robles *moving the gun and looking at him*. Robles *twisted his hand in an upward position* as he *lifted the gun and pointed* it at Officer Guereca. In fear that Robles was going to *shoot his head off*, Officer Guereca *squeezed up* against the car to *take cover* and fired one round from his service pistol at Robles to stop the threat. Officer Guereca conducted an assessment after firing the first round and observed a *muzzle flash coming from Robles' direction*. Officer Guereca fired his service pistol at Robles to stop the threat before conducting an assessment. Officer Guereca *didn't see much* movement from Robles, who was *facing down not moving* and believed he was *no longer a threat* (**Lethal Use of Force**).

Note: The FID investigation revealed that Officer Guereca fired a total of four rounds from his service pistol.

According to Officer R. Garcia, he conducted a *selective slug rollout*, exchanging the buck shot round for a slug round. Officer R. Garcia observed Robles *point a silver gun in his direction*. Believing that Robles was *going to kill him*, Officer R. Garcia fired one slug round from his shotgun at Robles to stop the threat. Officer R. Garcia conducted an assessment after firing the first round and *felt there was no need to fire a second round* (**Lethal Use of Force**).

According to Officer Hugoboom, he observed Robles with a *silver semi-automatic pistol in his right hand*. Robles *pointed the gun in Officer Hugoboom's direction and he heard shots*. Believing that Robles was *firing at him*, Officer Hugoboom, *in fear for his life*, fired one buck shot round from his shotgun at Robles to *stop the threat*. After firing the first round, Officer Hugoboom took cover to *chamber the next round*. When Officer Hugoboom *stood back up* and conducted an assessment, he observed that Robles *appeared to be hit (Lethal Use of Force)*.

According to Officer McPheeters, he was *continuously watching Robles' actions and heard a shot*. Knowing that Robles had already *shot at officers* and believing that Robles was *trying to kill one of the officers* to his right or himself, Officer McPheeters fired two rounds from his Patrol Rifle at Robles to stop the threat. After firing the first two rounds, Officer McPheeters conducted an assessment and observed *movement* from Robles. Believing that Robles was *trying to acquire a position of advantage to reposition and fire at the officers*, Officer McPheeters fired two more rounds from his Patrol Rifle at Robles to stop the threat. Officer McPheeters *assessed* and stopped firing when he *felt* that Robles was *no longer a threat (Lethal Use of Force)*.

Note: According to the FID investigation, Officer McPheeters utilized his rifle optic while firing four rounds from his Patrol Rifle.

According to Officer Burton, he observed Robles in a *prone position, underneath a vehicle* in the driveway, *low crawling*, while holding a *handgun* in his *right hand*. Robles *looked like he was trying to find a target or officers to shoot* when Officer Burton observed Robles *extend his arm out and fire a round at officers*. Officer Burton fired *between 10 to 15 rounds* from his Patrol Rifle at Robles to stop the threat. Officer Burton *paused* and continuously *looked through* his sights while conducting an assessment. Officer Burton *still heard shots* and observed Robles with his *head to the side* attempting to acquire *another target*. Officer Burton fired two additional rounds at Robles to stop the threat. Officer Burton conducted an assessment and observed that Robles *was no longer moving (Lethal Use of Force and Debriefing Point No. 2)*.

Note: According to the FID investigation, Officer Burton utilized his rifle optic while he assessed. Officer Burton fired thirteen rounds in approximately six seconds, paused for approximately two seconds and then fired two additional rounds from his Patrol Rifle (**Additional Tactical Debrief Topics – Fire Control/Discipline**).

According to Officer Gov, he observed Robles' *right hand* on the *gun* and Robles *move the gun upwards and downward* multiple times. Officer Gov placed his finger on the trigger of his service pistol *thinking* that Robles was *firing at him*. Officer Gov did not shoot because he believed that a supervisor had *designated a shooter*; therefore, Officer Gov *took cover* instead.

Note: A review of Officer Gov's BWV captured Officer Rivera asking about a designated shooter prior to the second OIS.

According to Officer Sweet, after the second OIS, he holstered his service pistol and deployed a shotgun from Officer Ybarra's police vehicle. Officer Sweet deployed the shotgun because he

did not feel that his service pistol was *the best weapon system* after the second OIS (**Drawing/Exhibiting**).

Note: A review of BWV revealed that after the second OIS, multiple officers yelled at Robles to drop the handgun (**Additional Tactical Debrief Topics – Non-Conflicting Simultaneous Commands**).

According to Sergeant Cohen, the second OIS occurred as she was running towards the officers. Sergeant Cohen *took cover behind* a police vehicle parked on 113th Street and continued to move towards the officers' location once there was *no longer gunfire*. Sergeant Ruiz *looked like the incident commander* to Sergeant Cohen who then *communicated* with him to determine what assistance Sergeant Ruiz needed. Sergeant Cohen used her police radio to direct *responding units* to don their *ballistic helmets*.

According to Sergeant Castellanos, the second OIS occurred as he was running towards Robles' location.

According to Sergeant Valento, after the second OIS, he *immediately* requested for the Los Angeles Fire Department (LAFD) to respond and *stage* nearby to render medical aid.

According to Sergeant Salazar, he exited his police vehicle, retrieved a ballistic shield from the trunk of his police vehicle and approached Robles' location. Sergeant Salazar met with Sergeant Cohen to gain situational awareness. Unsure of Robles' *condition*, Sergeant Salazar utilized the PA system of a police vehicle to give Robles *directions* to surrender.

According to Officer Chung, an unknown *supervisor requested people with helmets to position themselves on the south of the street as an arrest team*. Officer Chung approached as part of the arrest team and covered the east side of Robles' residence until relieved by Metropolitan Division personnel (**Additional Tactical Debrief Topic – Tactical Communication**).

According to Sergeant Valento, he assembled a *contact team* to approach Robles, ensuring that contact and cover roles were clearly delineated, and that the contact team was equipped with a ballistic shield. The contact team made their approach, removed the handgun from Robles and placed it on the ground away from him. Sergeant Valento subsequently broadcast a Code Four and requested that officers escort LAFD personnel into the perimeter (**Additional Tactical Debrief Topics – Tactical Communication, Stepping on Limbs, and Basic Firearms Safety Rules; Additional/Required Equipment – Personal Protective Equipment**).

Note: LAFD personnel responded, assessed Robles' medical condition at scene, and pronounced him deceased at 2349 hours.

According to Sergeant Severns, under his *oversight*, he directed Officer Oviatt to designate individual roles and coordinate the movements of the Metropolitan Division officers who were conducting the warrantless search of Robles' property to ensure that there were no additional

suspects or victims present (**Additional Tactical Debrief Topics – Exigent Warrantless Searches and Building Searches**).

Sergeant Cohen obtained Public Safety Statements (PSS) from Officers Ybarra, Espinoza, Skotte, Guereca, and Fuchigami. Sergeant Cohen separated and monitored Officers Ybarra, Skotte, and Guereca at scene.

Sergeant Salazar obtained a PSS from Officers R. Garcia, Hugoboom and Burton. Sergeant Salazar ensured the officers were separated and monitored.

Sergeant Severns obtained a PSS from Officer McPheeters. Sergeant Severns ensured Officers McPheeters, Lopez, Medina and Rivera were separated and monitored.

Detective A. Chin, Serial No. 32250, Southeast Detective Division, separated and monitored Officers Fuchigami and Espinoza at scene.⁴

Sergeant E. Sparkman, Serial No. 31327, Southeast Area, CSP, took over monitoring Officer Burton at scene.

Sergeant B. Pickett, Serial No. 32798, Harbor Patrol Division, took over monitoring of the percipient witnesses, including Sergeants Ruiz and Valento at scene.

Sergeants Ruiz and Valento separated and monitored the percipient witnesses at scene.

Sergeant J. Linder, Serial No. 33254, Southeast Patrol Division, arrived at scene in response to the OIS and took over command post responsibilities

FINDINGS

Tactics – Administrative Disapproval, Sergeant Ruiz. Tactical Debrief, Sergeants Cohen and Valento, in addition to Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra.

Drawing/Exhibiting – In Policy, No Further Action, Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra.

Lethal Use of Force – In Policy, No Further Action, Officers Ybarra, Espinoza, Fuchigami, R. Garcia, Guereca, Hugoboom, McPheeters, Skotte, and Burton (Rounds 1-4).
Out of Policy, Administrative Disapproval, Officer Burton (Rounds 5-15).

⁴ Detective Chin was a detective supervisor at the time of this incident.

ANALYSIS⁵

Detention

The involved officers responded to a radio call of a man with a gun. Officers assigned to Air Support Division arrived overhead the location in the air unit and observed the suspect. As the officers on the ground arrived and were directed to the location of the suspect, the suspect fired his handgun at the officers, striking their police vehicle, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

⁵ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Ybarra advised Officer Skotte that due to the nature of the radio, to consider cover during the incident. Once containment was established at the incident, Sergeant Ruiz, the first supervisor at scene, should have taken a more active role in developing and communicating a tactical plan with the officers. Sergeant Valento arrived at scene approximately six seconds prior to the second OIS, thus he had minimal time to plan with the officers. Sergeant Valento assembled a contact team, which included a ballistic shield, and planned the approach to take Robles into custody. Sergeant Valento also planned for medical treatment and requested LAFD to preemptively stage near the location pending the need for emergency medical treatment.

Assessment – Officers Ybarra and Skotte utilized fire control, assessing between each round to determine when Robles no longer presented an immediate threat. Officer Medina realized that officers were at a tactical disadvantage and recommended that Sergeant Ruiz redeploy them due to their proximity to Robles. Multiple officers continually assessed Robles actions and communicated them to the officers around them. The deployment of magnified optic sights by Officers McPheeters allowed for more effective assessment of Robles' actions.

On the other hand, I noted that Officer Burton was in the best tactical position to observe Robles actions. Further, his Patrol Rifle was equipped with magnified optics. His position and optics would have allowed him the opportunity to more effectively assess the ongoing threat presented by Robles. Consequently, Officer Burton's fire control caused me significant concern and compelled the need for greater scrutiny.

Time – Robles initiated and rapidly escalated the incident, firing his handgun at Officers Ybarra and Skotte upon their arrival. Officers Ybarra and Skotte returned fire to protect themselves from Robles' deadly threat. After the initial OIS, Officers Ybarra and Skotte maintained a position of cover and directed officers to stay back from Robles to avoid placing them in immediate danger. Additionally, responding officers maintained a position of cover and attempted to communicate repeatedly with Robles. By using parked vehicles as cover and by maintaining their distance from Robles, the officers who responded to the incident attempted to gain additional time to safely resolve the incident.

Redeployment and/or Containment – Arriving on scene before responding ground units, the air unit updated officers on Robles' location. After being fired upon by Robles, unprovoked, Officers Ybarra and Skotte established containment on Robles. The additional responding officers established containment of Robles who remained inside of the front area of the property still maintaining visible control of his handgun. Officers continuously assessed their deployment and some officers redeployed during the incident. Multiple officers redeployed from a vehicle on the north curb to the south side of 113th Street at the direction of Sergeant Ruiz. Officers Burton and Reyes were the farthest east of Robles and were the only unit to approach the

location travelling west on 113th Street thus allowing for containment of Robles from the east, and giving them a distinctive vantage point.

Other Resources – Officers Ybarra and Skotte attempted to utilize the illumination of the night sun by the air unit to locate Robles. Additional units responded to the incident, including personnel from Metropolitan Division, who were assigned to Southeast Area. Additionally, the air unit provided situational awareness from their unique position to the patrol units, with relevant updates as to the actions and the physical position of Robles.

Less-lethal options were considered and deployed by multiple officers during the initial phases of the incident. Officer Rareba initially began to deploy a Beanbag Shotgun during the incident, but due to Robles firing at responding officers, Officer Rareba decided to not deploy the Beanbag Shotgun. Officer Languren initially deployed a 40mm Less-Lethal Launcher (LLL) but placed the 40mm LLL on the ground due to the high level of danger posed by Robles who had fired at officers and who remained armed with a handgun. These less lethal force options remained available to officers, however Robles continued to remain armed with his handgun during the incident, ignored verbal commands to de-escalate, and refused to surrender.

Lines of Communication – Throughout the incident, the officers utilized open lines of communication while faced with challenges including the distance between the officers and Robles, as well the noise emitted from the air unit. Officers coordinated with the air unit who initially broadcasted its observations of Robles informing the arriving officers of the position of Robles. Officers also communicated with those in their close proximity while establishing containment. Officer Fuchigami attempted to communicate with Robles, ordering him to drop the handgun twice prior to the second OIS. After the second OIS, Officer Burton informed the other officers at scene that Robles was “down” at the location.

While I recognize that Sergeant Ruiz was faced with a limited amount of time to establish control over the incident, I am critical that during the approximate three minutes he was at scene before the second OIS, he did not open lines of communication to establish basic, yet, critical control over personnel, specifically related to reducing the number of those officers deploying lethal force options. Furthermore, Sergeant Ruiz did not declare himself as the Incident Commander or establish roles, such as Designated Cover Officers (DCO), less lethal force options, or a communication officer.

The UOFRB noted, and I concur, that due to the rapidly unfolding nature of this incident, the initial responding officers had limited time to react to the deadly actions of the suspect. Despite being fired upon as they approached the dimly lit area where Robles was positioned, Officers Ybarra and Skotte acted quickly and contained Robles, preventing him from accessing and endangering the larger community. Additionally, the responding units were required to make decisions that balanced the safety of the community, their own welfare and containment of a dangerous suspect.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Vehicle Deployment

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officer Ybarra stopped the police vehicle adjacent to the driveway where Robles, who was armed with a handgun, was located.

When arriving at an emergency radio call, the positioning of the police vehicle is critical for providing officers a tactically advantageous position.

In this case, as Officer Ybarra was driving the police vehicle, he used the air unit's night sun to help guide him to the location. This caused Officer Ybarra to perceive that he was being directed to a location further down the street. Numerous vehicles were parked on both sides of the street which afforded the responding officers' cover and limited concealment. During Officer Ybarra's approach, both he and Officer Skotte were receiving updated information from both CD and the air unit. The air unit had located Robles and were giving updates on his actions and location which was next to his vehicle behind the gate to the property. Once Officer Ybarra observed Robles, he stopped the police vehicle and immediately came under gunfire. According to Officer Skotte, the location was "dark" during the time of the first OIS.

The UOFRB considered that while the air unit's night sun was an aid illuminating the area, the circular movement of the air unit during the orbit over the location also caused shadows and the angle of the night sun to change. Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Officer Ybarra's vehicle deployment was not a substantial deviation from approved Department tactical training. In an effort to improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Fire Control / Fire Discipline (Substantial Deviation – Officer Burton; Rounds 5-15)

Basic self-defense doctrine dictates that in a combat situation, an officer should shoot as fast as they are able and no faster than combat accuracy can be maintained. If an officer shoots faster than their abilities, there is an increased chance of missing and failing to stop the threat.

Officers should be encouraged to fire at a speed that allows them to utilize proper shooting technique. Officers should never fire their weapons so quickly that they cannot obtain center hits on the target. Every time an officer fires without proper control of the pistol, mistakes

will be practiced and shooting skills will diminish (Los Angeles Police Department, Recruit Firearms Manual, October 2009).

The investigation revealed that Robles fired at initial responding officers and subsequently, while still armed with a handgun, pointed it at officers at scene. In response to the deadly threat, Officer Burton fired 13 rounds in approximately six seconds and then paused for approximately two seconds before firing two additional rounds.

Officers who are involved in a rapidly unfolding dynamic incident should continually assess their application of lethal force.

In this case, Officer Burton reasonably believed that he was faced with a deadly force situation. When Officer Burton observed Robles extend his arm out and perceived that Robles fired a round, Officer Burton fired his Police Rifle to address the lethal threat. I considered several factors in evaluating the reasonableness of Officer Burton's use of lethal force. I recognize that the tactical situation was dynamic, and that Officer Burton reasonably believed that Robles presented an imminent threat to him and the officers at scene. I also considered that Officer Burton had an optimal angle to observe Robles' actions, as he was positioned furthest east with an unobstructed view of Robles, as well as three times magnification optics that provided him an enhanced sight picture of the ongoing threat. The rapid rate with which Officer Burton fired his Patrol Rifle at Robles however, exceeded his ability to reasonably assess whether Robles continued to be a deadly threat.

Based upon the totality of the circumstances, I determined, that during this specific tactical situation, Officer Burton's lack of continued assessment, fire control, and fire discipline, while firing rounds 5-15 from his Patrol Rifle, was not reasonable and was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Maintaining Control of Equipment – The investigation revealed that as he exited his police vehicle, Officer Languren's side handle baton fell to the ground and he did not retrieve it before running down the street. Officer Languren is reminded of the importance of maintaining control of his equipment. I will direct this to be a topic of discussion during the Tactical Debrief.

Beanbag Shotgun Manipulations – The investigation revealed that Officer Rareba chambered a round in the beanbag shotgun while he was seated inside his police vehicle and still enroute to the location. The officer is reminded that chambering a round in a moving vehicle may lead to an increased possibility of an unintentional discharge of the shotgun. I will direct that this topic be discussed during the Tactical Debrief.

Basic Firearms Safety Rules – The investigation revealed that Officer Gov briefly allowed the muzzle of his service pistol to cover Officer Skotte's back during the incident. Additionally, the investigation revealed that Officer Chung momentarily allowed the muzzle of his service pistol

to cover officers in the contact team as they were approaching Robles. Even though this incident was dynamic and fluid in nature, both officers are reminded to remain mindful of the Department's Basic Firearm Safety Rules at all times. I will direct this to be a topic of discussion during the Tactical Debrief.

Tactical Communication – The investigation revealed that Sergeant Ruiz was the first supervisor at scene and did not declare himself as the incident commander. In addition, Sergeant Ruiz assumed that Sergeant Valento would be overseeing the officers along the south curb without communicating a plan with Sergeant Valento to actually do so. Sergeant Ruiz is reminded of the importance of effective communication during a tactical incident to provide critical basic direction, reduce possible confusion and improve operational success. I will direct this to be a topic of discussion during the Tactical Debrief.

The investigation revealed that Officers Hugoboom and Chung though not specifically designated to be a part of the contact team, self-deployed as part of the contact team which approached Robles. Officers Hugoboom and Chung did not advise the contact team that they were making the approach as part of the team. The coordination of officers during the approach of a suspect is important. Officers Hugoboom and Chung are reminded of the importance of effective communication during a tactical incident to reduce possible confusion and improve operational success. I will direct this to be a topic of discussion during the Tactical Debrief.

Non-Conflicting Simultaneous Commands – The investigation revealed that several officers gave simultaneous commands to the suspect after the second OIS. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. I will direct this to be a topic of discussion during the Tactical Debrief.

Stepping on Limbs – The investigation revealed that when Robles was being taken into custody, Officer Burton stepped on Robles' right wrist to control Robles' hand which was still holding the handgun. Officer Burton is reminded that stepping on a suspect's limb can cause an officer to become off balance and may generally reflect unfavorably in the public's perception when doing so. I will direct this to be a topic of discussion during the Tactical Debrief.

Exigent Warrantless Searches ⁶ - The investigation revealed that officers lead by Officer Oviatt and under the supervision of Sergeant Severns entered Robles' residence to search for additional victims and suspects involved in the shooting incident. Based upon the officers' and supervisors' belief that there was possibly an injured victim inside and an exigent circumstance existed, I believe the entry and search was reasonable and met the legal standard of an exception to the search warrant requirement. I noted, however, that entering the house and searching for a suspect, in this circumstance, would not have met the "exigent circumstances" standard.

⁶ A warrantless entry and search based upon exigent circumstances may be justified where there is an immediate need to protect or preserve life. If there is reason to believe that someone inside a location may be injured or ill, and is in immediate need of help, you may enter the location without a warrant to do whatever is necessary to resolve the emergency and nothing more. *LAPD Legal Affairs Division Legal Bulletin, March 24, 1998, Vol. 22, Issue 1.*

Additionally, the officers and supervisors should always consider attempting to obtain valid consent to enter and search when circumstances and time permit. I will direct that this be a topic of discussion during the Tactical Debrief.

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

In reviewing this incident, the UOFRB acknowledged the rapidly unfolding and complexity of the incident. While the UOFRB did note multiple positive steps taken by individuals at scene, they were critical of the overall lack of assertive and proactive supervision, which could have reduced the number of shooters at scene.

Upon arrival, Officer Medina took proactive steps to assert command and control when he conducted an assessment and recommended to Sergeant Ruiz that he redeploy officers who were positioned in close proximity to Robles. Additionally, Officer Rivera attempted to verify if there was a DCO in order to establish command and control of the scene. After the second OIS,

Officer Rivera designated individual roles and assisted in coordinating the movements of the contact team to take Robles into custody.

Officer Oviatt led the Metropolitan Division personnel who conducted the warrantless search of Robles' property for additional victims or suspects. Officer Oviatt designated individual roles and coordinated the movements of the Metropolitan Division officers conducting the search.

The actions of Officers Rivera, Medina and Oviatt were consistent with Department training and met my expectations of senior officers at scene during a critical incident.

The UOFRB noted that all sergeants maintained their role as a supervisor and did not attempt to involve themselves directly in the application of force. It was noted that the sergeants maintained a supervisory role providing varied levels of direction to their subordinates instead of taking direct action themselves, thereby exercising some level of command and control. While this is within Department expectations, there were degrees of supervisory engagement, based on assignment and the traditional role of a supervisor, which was of concern to the UOFRB.

Sergeant Valento responded to the help call and immediately assumed the responsibilities of an IC after the second OIS. Sergeant Valento requested LAFD to stage a Rescue Ambulance (RA) in preparation to render medical aid. Additionally, Sergeant Valento coordinated a contact team to take Robles into custody while providing updates to other officers at scene via his handheld radio. Sergeant Valento separated and monitored percipient witnesses at scene.

Sergeant Castellanos arrived at scene, retrieved a ballistic shield from his police vehicle, and moved towards the location of the officers involved. Additionally, Sergeant Castellanos directed officers in his path to don their ballistic helmets prior to approaching the scene. ,

Sergeant Salazar arrived at scene and was briefed by Sergeant Cohen. Sergeant Salazar took possession of the two shotguns used by Officers R. Garcia and Hugoboom as well as the Patrol Rifle used by Officer Burton at scene. Sergeant Salazar obtained a PSS from Officers R. Garcia, Hugoboom and Burton. Sergeant Salazar separated and monitored Officers R. Garcia, Hugoboom and Burton at scene.

Sergeant Severns arrived at scene and provided supervisory oversight for the Metropolitan Division officers who conducted a warrantless search of Robles' property. Sergeant Severns identified, separated and monitored members of his Metropolitan Division squad who were involved or witnessed the OIS. Sergeant Severns took custody of Officers McPheeters, Lopez, Medina, and Rivera's BWV cameras and secured them. Sergeant Severns advised Officers McPheeters, Lopez, Medina, and Rivera not to discuss the incident and directed them back to his police vehicle. Due to a lack of supervisory personnel at scene, Sergeant Severns opted to monitor Officers McPheeters, Lopez, Medina, and Rivera. Sergeant Severns took custody of Officer McPheeters' Patrol Rifle and secured it in his police vehicle. Sergeant Severns obtained a PSS from Officer McPheeters.

Detective Chin arrived at the location in response to a request for a ballistic shield broadcast by Sergeant Valento. Detective Chin separated and monitored Officers Fuchigami and Espinoza at scene.

Sergeant Sparkman responded and took over separation and monitoring of Officer Burton.

Sergeant Pickett assisted with monitoring of the percipient witnesses including Sergeants Ruiz and Valento at scene.

The UOFRB considered that Sergeant Valento arrived at Officers Ybarra and Skotte's police vehicle approximately six seconds prior to the second OIS and had minimal time to assess and begin to exercise command and control over the incident. However, the UOFRB noted that after the second OIS, Sergeant Valento took control and designated a contact team to approach Robles and take him into custody. Sergeant Valento also ensured that the approaching contact team had adequate cover in the form of a ballistic shield and that there would not be crossfire issues by communicating the tactical plan to everyone concerned via his handheld radio.

The actions of Sergeants Valento, Castellanos, Salazar, Severns, Sparkman, Pickett, and Detective Chin were overall consistent with Department supervisory training and met my expectations of field supervisors during a critical and quickly unfolding incident.

Sergeant Cohen arrived at the location and directed multiple officers to don their ballistic helmets. After the second OIS, Sergeant Cohen spoke with Sergeant Ruiz to determine what supervisory assistance she could provide. Assessing that there were ample police resources in the immediate area of the OIS, Sergeant Cohen ensured that additional resources remained behind cover. Additionally, Sergeant Cohen obtained PSS from Officers Ybarra, Espinoza, Skotte, Guereca, and Fuchigami and took custody of their BWV cameras. Sergeant Cohen separated and monitored Officers Ybarra, Skotte, and Guereca at scene. Sergeant Cohen transported Officers Ybarra, Skotte, and Guereca to Southeast Community Police Station.

The UOFRB recognized that Sergeant Cohen attempted to have personnel don their ballistic helmets and ensure that once sufficient resources were at scene, the additional resources remained out of the immediate area. The UOFRB also noted that Sergeants Cohen and Salazar worked to separate and monitor involved officers at a chaotic scene with multiple officers involved. The UOFRB noted that while Sergeant Cohen did not properly separate and monitor Officers Ybarra and Skotte following the OIS, her actions supervisory actions during the tactical incident met the expectations of a field supervisor during a critical incident.

In conducting an objective assessment of Sergeant Cohen's performance, the UOFRB determined, and I concur that Sergeant Cohen did not adhere to critical procedures following a CUOF and directed Officers Ybarra and Skotte to speak with each other after the OIS, prior to

obtaining a PSS. Therefore, Sergeant Cohen did not meet my expectations of field supervisors during a critical incident.⁷

Sergeant Ruiz arrived at the location in response to the radio call and was the first supervisor at scene. Sergeant Ruiz approached Officers Ybarra and Skotte's police vehicle and attempted to gain situational awareness by speaking with Officer Skotte. Sergeant Ruiz did not declare himself as the Incident Commander (IC). Sergeant Ruiz continued to assess the deployed resources, walking back and forth between the group of officers at Officer Ybarra and Skotte's police vehicle, and the group of officers taking cover at the vehicles parked along the south curb of the street. On the advisement of Officer Medina, Sergeant Ruiz directed officers taking cover south of a vehicle, which was parked along the north curb of the street, to redeploy. After the second OIS, Sergeant Ruiz separated and monitored percipient witnesses at scene.

The UOFRB was critical of Sergeant Ruiz' lack command and control over the scene, resulting in numerous officers deployed along the containment line and seven officers firing their weapons during the second OIS. The UOFRB recognized the rapidly unfolding nature of the incident but determined that Sergeant Ruiz' did not exert supervisory control over the incident which led to multiple officers in a position to deploy lethal force when Robles pointed his weapon. The UOFRB was critical of the lack of communication between Sergeant Ruiz and the officers who were deployed at the incident, as well as the minimal effort made to communicate with Robles given the number of resources at the IC's disposal. Sergeant Ruiz spent a crucial amount of his time attempting to manipulate his handheld radio and establish communications with the air unit. The UOFRB noted that multiple officers made statements that they were unaware or did not believe that a supervisor was present during the incident. The UOFRB noted that while some officers assumed Sergeant Ruiz was the IC, there was uncertainty about who was in charge and that many of the officers were unaware that there was a supervisor at scene taking control. The UOFRB did note that Sergeant Ruiz's actions after the second OIS to secure the crime scene were effective.

As a result, the UOFRB determined, and I concur, the lack of supervisory oversight exercised by Sergeant Ruiz immediately prior to the second OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur that Sergeant Ruiz' actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval. Additionally, in conducting an objective assessment of this case, the UOFRB determined, and I concur, that Sergeants Cohen and Valento, along with Officers Burton, Espinoza, Fuchigami,

⁷ This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through a Department-initiated personnel complaint, CF No. 19-001738.

R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra's tactics did not substantially deviate from approved Department tactical training. Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Sergeants Cohen, Ruiz, and Valento, along with Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet, and Ybarra attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On May 16, 2019, Sergeants Ruiz and Valento along with Officers Skotte, R. Garcia, Guereca, Espinoza, Fuchigami, Hugoboom, and Burton attended a GTU. On May 23, 2019, Officer Ybarra attended a GTU. On September 17, 2019, Officer McPheeters attended a GTU. All mandatory topics were covered for Sergeants Ruiz and Valento, along with Officers Skotte, R. Garcia, Guereca, Espinoza, Fuchigami, Hugoboom, Burton, Ybarra and McPheeters including Use of Deadly Force. In addition, Body Worn Video (BWV) Policy was covered for Officer Ybarra.

Additionally, Officer Burton completed Patrol Rifle Recertification on June 13, 2019 and attended the Law Enforcement Tactical Application Course (LETAC) on September 17, 2019.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)

According to Officer Ybarra, as he stopped his police vehicle, Robles looked in their direction, yelled something, raised his right hand and began shooting at them. Officer Ybarra was

simultaneously attempting to put their police vehicle in park and exit his police vehicle when they started receiving rounds. Unable to place the vehicle in park, Officer Ybarra remained in the police vehicle and drew his service pistol.

Officer Ybarra recalled,

I was about to exit the vehicle and simultaneously put it in park is when we started receiving rounds. Knowing that the car wasn't in park I decided to sit back in the car and arm – arm myself with my pistol and began returning fire. I unholstered my weapon because I had a [sic] armed suspect shooting at me so I believed that deadly force would be justified in stopping that threat.⁸

According to Officer Skotte, Robles was standing behind a vehicle in the driveway, watching them and as the police vehicle came to a stop, Robles raised a gun and start firing at them. Officer Skotte exited the police vehicle and drew his service pistol.

Officer Skotte recalled,

I saw the suspect standing behind the vehicle in the driveway and he was standing, facing our direction, watching us. And then, as I was stepping out of the vehicle, that's when I saw him raise something, which was the gun, and start firing at us. I was kind of shocked and surprised...But my training kicked in. So I unholstered my weapon and returned fire.⁹

According to Officer Gov, as they arrived at the location and parked the police vehicle, Officer Gov heard approximately three to four shots. Officer Gov exited his police vehicle, drew his service pistol and attempted to locate Robles while taking cover behind Officer Skotte.

Officer Gov recalled,

Once we got to the location of where possible suspect was I parked. I immediately hear approximately three to four shots. I get out of the car. I activate my DICV. I unholstered. I try to get an eye onto where the suspect was.¹⁰

According to Officer Fuchigami, as he and Officer Gov arrived at the location, Officer Gov stated, "They're shooting. They're shooting." Officer Fuchigami heard at least one gunshot as he exited the police vehicle. Officer Fuchigami drew his service pistol and pointed it in the general direction of the house where he believed Robles to be located before taking cover.

⁸ Officer Ybarra, First Interview, Page 7, Lines 24-25, Page 8, Lines 1-3, and Page 29, Lines 10-12

⁹ Officer Skotte, Second Interview, Page 18, Lines 13-24.

¹⁰ Officer Gov, Page 8, Lines 16-21

Officer Fuchigami recalled,

And I heard my partner say, "Oh, shoot. Oh, shit. They're shooting. They're shooting." So I got out of the car. I unholster, pointing the gun at the general direction to the house and assessed, and I couldn't see the suspect.¹¹

According to Officer Sweet, as his partner, Officer Espinoza, negotiated a turn onto 113th Street, Officer Sweet could hear shots being fired. Officer Sweet directed Officer Espinoza to stop the police vehicle, at which time, Officer Sweet exited and located Officer Ybarra. Believing he was going to confront an active shooter, Officer Sweet drew his service pistol as he approached and made contact with Officer Ybarra to confirm Officer Ybarra was okay.

Officer Sweet recalled,

As we're actually turning onto 113th, as we're making that turn, we actually head I'd say probably 8 to 10 shots fired...I see Ybarra standing there behind his black-and-white. At – at that point, I unholster. I believe we have an active shooter going on. It's going to escalate to deadly force. I already has. So for my safety and those of my partners and those around us – I unholstered.¹²

According to Officer Sweet, after the second OIS, he holstered his service pistol and deployed a shotgun from Officer Ybarra's police vehicle. Officer Sweet deployed the shotgun because he did not feel that his service pistol was the best weapon system after the second OIS.

Officer Sweet recalled,

... there's a second volley of gunfire. We get hit with the debris from that. At that point, I holster up my primary weapon, my – my pistol, and I retrieve Ybarra's shotgun from his shop. I deploy that... my pistol is not the best weapon system to have.¹³

According to Officer Espinoza, after the airship broadcast that shots were fired and an officer needs help, he exited his police vehicle, drew his service pistol and ran towards Officer Ybarra. Officer Espinoza could smell gun smoke as he approached Officer Ybarra who told him to get back at which point, Officer Espinoza did his best to take cover behind an engine block of a parked car.

Officer Espinoza recalled,

When I got out and ran to the help call, due to the airship broadcasting shots fired, officer needs help – the radio call is a man with a gun. As I got out of the car and ran towards

¹¹ Officer Fuchigami, Page 8 Lines 7-12

¹² Officer Sweet, Page 15, Lines 14-16, Page 16, Lines 23-24 and Page 17, Lines 8-13

¹³ Officer Sweet, Page 11, Lines 6-11 and Page 26, Lines 9-10

Officer Ibarra [sic], I drew and exhibited my firearm...Based on the tactical situation, I had a reasonable belief that the situation would escalate to deadly force.¹⁴

According to Officer Guereca, he parked his police vehicle, exited and drew his service pistol. Officer Guereca approached the officers, who were positioned behind a vehicle parked along the north curb of 113th Street. Officer Guereca drew his service pistol since it was a tactical situation where deadly force would be justified.

Officer Guereca recalled,

Just before we got to 113th Street that's when I heard officer needs help, shots fired. So as we deployed from the car I – I unholstered ... my duty weapon just because of ... the comments of the call, the whatever was broadcasted and just because of fact that ... I went back to my training. It was a tactical situation where deadly force will be justified.¹⁵

According to Officer R. Garcia, as they were approaching, he heard the airship broadcast a help call for shots fired. Officer Garcia exited his police vehicle and retrieved his Benelli M4 shotgun from the trunk of his police vehicle because he wasn't sure if a shotgun or a rifle was deployed. Officer R. Garcia approached the passenger side of Officers Ybarra and Skotte's police vehicle.

Officer R. Garcia recalled,

As we were approaching the target location, the airship requested a help call for shots fired. When we got there, I was the passenger. I exited the vehicle and I wasn't sure if a shotgun or a rifle was deployed already, so I took it upon myself to go to my trunk and deploy my shotgun, which is a private purchase Benelli M4. I racked one buck shot round into the chamber, and I ran towards where the target location was.¹⁶

According to Officer Marin, he exited his police vehicle before he approached the passenger side of Officers Ybarra and Skotte's police vehicle. Due to the nature of the radio call and that he felt the situation may escalate to the point where deadly force may be used, Officer Marin drew his service pistol.

Officer Marin recalled,

I did initially draw out my firearm once I approached the primary vehicle, simply because the situation and the nature of the – of the radio call. It was a hot call so I – I proceeded to (UNINTELLIGIBLE) the situation may escalate to the point where deadly force may be used at some point.¹⁷

¹⁴ Officer Espinoza, Page 9, Lines 19-24 and Page 43, Lines 18-20

¹⁵ Officer Guereca, Page 6, Lines 3-6 and Lines 12-17

¹⁶ Officer R. Garcia, Second Interview, Page 7, Lines 13-21

¹⁷ Officer Marin, Page 13, Lines 17-22

According to Officer Hugoboom, he exited his police vehicle, deployed his Remington 870 shotgun and approached the passenger side of Officers Ybarra and Skotte's police vehicle. Officer Hugoboom exhibited his shotgun because Robles was armed with a handgun and the broadcasted help call.

Officer Hugoboom recalled,

Briefly after the primary unit arrived and that's when I heard the help call come out over the frequency ... Once we arrived, I removed my shotgun from the shotgun rack inside the patrol vehicle and ran to the scene on 113th east of Wilmington.¹⁸

According to Officer McPheeters, as he and Officer Lopez responded to the help call, he knew that they were going to deploy their Patrol Rifles when he heard that Robles was trying to hide behind his vehicle and take a position of advantage. When they exited their police vehicle, Officer McPheeters retrieved his Patrol Rifle because Robles had already shot at officers and he knew the rifle round could penetrate through metal on the vehicle. Officer McPheeters observed an officer armed with a service pistol and asked him to relinquish position at which time, took a position of advantage on Robles, using the engine block of a vehicle as cover.

Officer McPheeters recalled,

Knowing that – listening to the airship that he was trying to hide behind his vehicle trying to take a position of advantage, knowing the capabilities of my rifle and the rifle round what it can do. There's been numerous training days in Metro where we've had – we've had to shoot at vehicles. Knowing that the rounds can penetrate metal. It can penetrate through doors. It can penetrate through metal on the vehicle. That that rifle would definitely need to be deployed knowing that this suspect has already shot at officers at scene.¹⁹

According to Officer Lopez, when he arrived, he deployed his patrol rifle because of the nature of this call, the fact that shots had already been fired and he wanted to deploy a weapon system superior to what Robles may have had.

Officer Lopez recalled,

Because of the nature of this call and the fact that there was already shots fired, obviously, there's already a suspect that's willing to, you know, quote, unquote, "Shoot it out with the police," we are going to deploy a weapon system that's superior to what he or she might have.²⁰

According to Officer Burton, as he exited his police vehicle, he retrieved his Patrol Rifle from the trunk before he ran west, taking a position of cover behind a vehicle parked along the south curb of 113th Street. Officer Burton deployed his Patrol Rifle because Robles had already fired

¹⁸ Officer Hugoboom, Page 6, Lines 13-19

¹⁹ Officer McPheeters, Page 24, Lines 21-25 and Page 25, Lines 1-5

²⁰ Officer Lopez, Page 16, Lines 8-13

at officers and Officer Burton wanted to be out of the line of fire where he could safely return fire from a distance.

Officer Burton recalled,

Suspect already fired at officers and we're going to be at a position. I was – officers, we were going to be at a far position or away or ... far enough away where ... we wanted to be out of the line of fire where we could safely return fire -- from a distance.²¹

According to Officer Reyes, he exited his police vehicle and followed Officer Burton. Officer Reyes positioned himself to the east of Officer Burton and drew his service pistol. Officer Reyes drew his service pistol because the tactical situation could lead to deadly force based on the help call and that there were shots fired already at the officers.

Officer Reyes recalled,

So the reason why I unholstered was because I had substantial risk that the tactical situation – situation could lead to deadly force – to use deadly force. The airship put out a help call. There was shots fired already at the officers. So I knew that this could lead to the use of deadly force.²²

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet and Ybarra's Drawing/Exhibiting. The UOFRB noted that Robles' actions presented a potential deadly threat to the community and responding officers.

The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to use lethal force. The UOFRB considered that Officers Ybarra and Skotte responded to a radio call that indicated Robles was armed with a handgun and upon their arrival, they immediately came under gunfire. Additionally, the officers who responded to the help call heard shots being fired or were made aware that Robles was still armed with a handgun.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet and Ybarra, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Burton, Espinoza, Fuchigami, R. Garcia, Gov, Guereca, Hugoboom, Lopez, Marin, McPheeters, Reyes, Skotte, Sweet and Ybarra's Drawing/Exhibiting to be In-Policy, No Further Action.

²¹ Officer Burton, Page 13, Line 25; Page 14, Lines 1-7

²² Officer Reyes, Page 11, Line 25 and Page 12, Lines 1-6

Note: In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Use of Force – General²³

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

²³ Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

FIRST OIS

Officer Ybarra – .45 caliber, five rounds, in a northeasterly direction from an approximate distance of 40 feet.

According to Officer Ybarra, Robles produced a handgun, held it shoulder length and fired. Officer Ybarra saw muzzle flash and debris in front of him and believed rounds were hitting his police vehicle. Officer Ybarra, in fear for his safety, returned fire, firing five rounds. Officer Ybarra continuously assessed after each round, and saw the suspect was upright and that his hand was up. Officer Ybarra determined Robles was no longer a threat when he lost sight of him, so he stopped firing and exited his police vehicle.

Officer Ybarra recalled,

Once I saw him I stopped the vehicle. He ... was facing in a [sic] eastern direction ... in front of his – in front of that residence. He looked in our direction. It looked like he yelled something, raised his right hand and began shooting. I was about to exit the vehicle and simultaneously put it in park is when we started receiving rounds. Knowing that the car wasn't in park I decided to sit back in the car and ... arm myself with my pistol and began returning fire.²⁴

Shoulder-- shoulder length, saw a muzzle flash. I saw debris. Like – like there was an impact ... It was – it was coming – the debris was coming in front of me. The car's getting hit and fear for my safety so I returned fire. I believe Officer Skotte and I could have been seriously injured or possibly killed.²⁵

²⁴ Officer Ybarra, First Interview, Page 7, Lines 19-25 and Page 8, Lines 1-3

²⁵ Officer Ybarra, First Interview, Page 19, Lines 24-25, Page 28, Lines 17-25, and Page 34, Lines 4-5

I was firing it at the threat. I believed the next four I did which each round I can still see that the suspect was upright and his hand was up and once he went down, once I lost sight of him out of my view is when I stopped and I tried to get out.²⁶

Officer Skotte – 9mm, five rounds, in a northeasterly direction from an approximate distance of 44 feet.

According to Officer Skotte, as he stepped out of the police vehicle, Robles was shooting at them. Officer Skotte believed he could be killed and fired four rounds from his service pistol at Robles to stop the threat. Officer Skotte conducted assessments as he was firing and stopped firing when Robles was no longer visible.

Officer Skotte recalled,

So I saw the suspect standing behind the vehicle in the driveway and he was standing, facing our direction, watching us. And then as I was stepping out of the vehicle, that's when I saw him raise something, which was the gun, and start firing at us ... So I unholstered my weapon and returned fire.²⁷

I was thinking I could get killed right there ... I was firing to stop the threat. The threat was the suspect shooting at us ... Well, if he shot us, he could have -- or shot me, he could have killed me or injured me. And I didn't want that to happen.²⁸

I think I fired about four ... There were no pauses in between the shots ... I stopped firing, because the suspect was no longer visible to me.²⁹

SECOND OIS

Officer Fuchigami – 9mm, three rounds, in a northerly direction from an approximate distance of 58 feet.

According to Officer Fuchigami, he believed that Robles was looking at him. Robles raised the handgun and pointed the muzzle towards Officer Fuchigami and his fellow officers. Believing Robles was about to shoot him or one of the officers, Officer Fuchigami fired two rounds from his service pistol at Robles to stop the threat. Officer Fuchigami conducted assessments as he was firing and stopped firing when he observed that Robles was not moving and bleeding.

²⁶ Officer Ybarra, First Interview, Page 22, Lines 6-10

²⁷ Officer Skotte, Second Interview, Page 18, Lines 13-18 and 23-24

²⁸ Officer Skotte, Second Interview, Page 30, Lines 19-20, 24-25; Page 31, Lines 2-3 and 6-8

²⁹ Officer Skotte, Second Interview, Page 22, Lines 20-21; Page 23, Lines 4-5 and Page 24, Lines 9-10

Officer Fuchigami recalled,

I thought he was looking at me. And he raised his gun up and muzzle up. I saw the muzzle up towards – towards me or my fellow officers. And that's when I took a shot ... Then after the shooting, I saw the suspect facing down, not moving, bleeding.³⁰

I was pointing – there's not much area that I can aim at, because there's a face and there's a thin line of his shoulder and hands. So the biggest target I can aim was his head. So I aim direction – general direction to the suspect, because I wasn't sure I was going to shoot yet. But as soon as he bring up his muzzle up towards our direction, I pointed and aimed at this head and shot two – I believe it was two shots.³¹

Because I was believing that he was about to shoot me or one of the officers. So I tried to defend myself or others.³²

I took – not too long, but I took pauses to assess the situation. So I believe I took one shot. It was quick. Took a second shot, but I did assess the suspect.³³

Officer Espinoza – 9mm, nine rounds, in a northerly direction from an approximate distance of 59 feet.

Round One

According to Officer Espinoza, he observed Robles holding a handgun while, in a tactical position on his stomach trying to conceal himself. Knowing that Robles had engaged officers and tried to kill them, Officer Espinoza believed that Robles was assessing and looking for a target. Officer Espinoza observed Robles point the handgun in his direction. Believing that Robles was going to take a shot at him, Officer Espinoza fired one round from his service pistol at Robles to stop the threat.

Officer Espinoza recalled,

Now I see him with a gun. I see him take a tactical position as far as concealing himself and trying to make himself the smallest target possible.³⁴

But as he's looking and assessing, he grabs the bottle, takes a swig, and then shortly after he -- he points that gun again in my direction. Due to his position of advantage, how he was

³⁰ Officer Fuchigami, Page 10, Lines 1-4 and 6-7

³¹ Officer Fuchigami, Page 21, Lines 16-24

³² Officer Fuchigami, Page 22, Lines 6-8

³³ Officer Fuchigami, Page 24, Lines 19-23

³⁴ Officer Espinoza, Page 11, Lines 12-14

laid out, the cars that he was using for cover, the only shot that I had at that time was a head shot. The only target I had was a head shot, and I took a shot.³⁵

Once he presented that gun and pointed it in my direction, I felt as though this guy was going to take a shot at me, so that's why I took that first shot.³⁶

Rounds Two through Nine

According to Officer Espinoza, after firing his first round, he heard numerous gunshots and believed that he was being engaged by Robles. Officer Espinoza fired additional rounds from his service pistol at Robles. Officer Espinoza conducted an assessment and observed Robles still facing towards them with his handgun raised up in their direction. Officer Espinoza continued to fire additional rounds from his service pistol at Robles until he observed Robles' face was slumped down.

Officer Espinoza recalled,

Right after there was numerous gunshots heard. Whether they were officers or him engaging us, I believed that we were being engaged. I fired additional shots. I assessed. He's still facing towards us. He still has the gun raised up in our direction, and I continued firing. I believe approximately five shots, and I was assessing between each shot. He was staying in the position that he was in with a gun in his hand towards my direction.³⁷

Officer Guereca – 9mm, four rounds, in a northerly direction from an approximate distance of 57 feet.

Round One

According to Officer Guereca, he observed Robles laying on the floor holding a handgun with his right hand extended out. Officer Guereca observed Robles moving the handgun and looking at him. Robles twisted his hand in an upward position as he lifted the handgun and pointed it at Officer Guereca. In fear that Robles was going to shoot his head off Officer Guereca squeezed up against the car to take cover and fired one round from his service pistol at Robles to stop the threat.

Officer Guereca recalled,

I leaned on the car and I observed the suspect laying on the floor prone out. His face was – he was facing southbound and I could see him prone out holding his – his pistol with his right hand extended out. At that point, I – I had him on – on sight. I had him ready because I knew that he already shot at my partners. I could see him moving – moving the gun. He kept on looking up when I had him on sight. He was looking at me. At ... that point, I was like, ...

³⁵ Officer Espinoza, Page 13, Lines 3-10

³⁶ Officer Espinoza, Page 38, Lines 18-21

³⁷ Officer Espinoza, Page 13, Lines 11-16, Page 22, Lines 12-13 and Lines 17-19

he's going to shoot at me. Waited a couple of seconds until he – he adjusted his hand ... And I didn't want to wait any longer before he shot another at my partner or killed – killed me. I almost felt like he was going to shoot my head off. As soon as he lifted the gun toward my direction because I could see ... the point of his gun pointing at us I – I shot and then I squeezed the car a little bit to basically take cover behind the car. At that point, ...when I squeezed into the car I saw a muzzle flash coming from his direction so I shot again. After that I stepped back a little bit to make sure that, you know, the threat was no longer a threat. The suspect was – was facing down.³⁸

At the – at the moment that he – the – the suspect was basically staring at us. He had the gun on his hand the whole time; however, he – he had like at a – at a slant position kind of sideways. So, my decision to fire was when I – when I felt that he was actually going to shoot at us again. He – he basically twisted his hand in an upward position and that's when I shot my first – my first round.³⁹

Rounds Two through Four

According to Officer Guereca, he conducted an assessment after firing the first round and observed a muzzle flash coming from Robles' direction. Officer Guereca fired his service pistol at Robles to stop the threat before conducting an assessment. Officer Guereca did not see much movement from Robles, who was facing down not moving and believed he was no longer a threat.

Officer Guereca recalled,

I seen him – the second time I shot I – I thought I saw muzzle flash coming from his direction so that's why I – I shot a second time. After I fired my second round I didn't see much. I saw him after a few seconds I saw him facing down not moving.⁴⁰

Officer R. Garcia – Benelli M4 Shotgun, one slug round, in a northerly direction from an approximate distance of 57 feet.

According to Officer R. Garcia, he Select Slug rollout, exchanging the buck shot round for a slug round. Officer R. Garcia observed Robles point a silver gun in his direction. Believing that Robles was going to kill him, Officer R. Garcia fired one slug round from his shotgun at Robles to stop the threat. Officer R. Garcia conducted an assessment after firing the first round and felt there was no need to fire a second round.

Officer R. Garcia recalled,

Before ... the OIS occurred, I conducted a selective slug roll out. And I ejected the buck shot round, and I inserted a slug round. And the reason I inserted the slug round was because I

³⁸ Officer Guereca, Page 7, Lines 3-25 and Page 8, Line 1-2

³⁹ Officer Guereca, Page 23, Lines 17-24

⁴⁰ Officer Guereca, Page 30, Lines 10-12 and Page 32, Lines 6-8

felt that ... there was a lot of barriers between me and the suspect. There was a rod iron fence, and he was also ... using the vehicle door ... using it to hide. So I felt that a slug round would have been more effective if he would have presented himself and started shooting at officers. As ... I was behind cover, I then observed the suspect point a silver gun in my direction. I felt that he was going to kill me, and I fired one round in his direction. After firing the one round, I assessed. I felt there was no need to fire a second round, and I rendered my gun – I placed the weapon on safe.⁴¹

Officer Hugoboom – Remington Model 870 Shotgun, one buckshot round, in a northerly direction from an approximate distance of 57 feet.

According to Officer Hugoboom, he observed Robles with a silver semi-automatic pistol in his right hand. Robles pointed the handgun in Officer Hugoboom's direction and he heard shots. Believing that Robles was firing at him, Officer Hugoboom, in fear for his life, fired one buckshot round from his shotgun at Robles to stop the threat. After firing the first round, Officer Hugoboom took cover to chamber the next round. When Officer Hugoboom stood back up and conducted an assessment, he observed that Robles appeared to be hit.

Officer Hugoboom recalled,

And I was in fear for my life. I was thinking I could get shot. I could get killed. This could be it. And all of that was running through my head as I was trying to, you know, of course stay present and keep my sights aligned on the suspect. I believe I said for someone to get on the PA and give commands. Shortly right after that I saw the suspect with a gun in his right hand, silver semi-auto – silver semi-automatic pistol. It was pointed in my direction. As it was moved in my direction with his hand – his right hand holding the gun, I heard shots. I believed I was being fired upon. I shot one round at the suspect to stop the threat. And after that one shot, I – being that I was using a shotgun, I had to rack a second round. At which time I briefly ducked for cover to chamber the next round. Stood back up on target. The suspect appeared to be hit. I saw blood coming from the suspect's body, from his head, and from his arms.⁴²

Officer McPheeters – 5.56 caliber, Patrol Rifle, four rounds, in a northeasterly direction from an approximate distance of 48 feet.

According to Officer McPheeters, he was continuously watching Robles' actions and heard a shot. Knowing that Robles had already shot at officers and believing that Robles was trying to kill one of the officers to his right or himself, Officer McPheeters fired two rounds from his Patrol Rifle at Robles to stop the threat. After firing the first two rounds, Officer McPheeters conducted an assessment and observed movement from Robles. Believing that Robles was trying to acquire a position of advantage to reposition and fire at the officers, Officer McPheeters fired

⁴¹ Officer R. Garcia, Second Interview, Page 10, Lines 11-22 and Page 8, Lines 14-20

⁴² Officer Hugoboom, Page 7, Lines 15-25 and Page 8, Lines 1-9

two more rounds from his patrol rifle at Robles to stop the threat. Officer McPheeters *assessed* and stopped firing when he *felt* that Robles was *no longer a threat*.

Officer McPheeters recalled,

As I was continuously watching his actions I heard a shot and at that point I fired four rounds at the suspect and alongside – along with other officers who started firing. The reason I shot is because it was knowing that this – this suspect has shot at the officers and knowing that he had a gun, knowing that he failed to drop the gun and had several chances to drop the gun. Believing in my mind that he was trying to kill one of the officers to my right and myself I fired four rounds.⁴³

Two rounds in a split second I assessed and then fired two more rounds and I stopped firing. So, the second rounds I believe he was still trying to acquire a position of advantage. I just slightly saw a movement and at that point in time I believed in my mind that he was trying to reposition to fire at the officers.⁴⁴

Officer Burton – 5.56 caliber, Patrol Rifle, 15 rounds, in a northwesterly direction from an approximate distance of 71 feet.

Rounds One through Thirteen

According to Officer Burton, he observed Robles in a prone position, underneath a vehicle in the driveway, low crawling, while holding a handgun in his right hand. Robles looked like he was trying to find a target or officers to shoot when Officer Burton observed Robles extend his arm out and fire a round at officers. Officer Burton fired between 10 to 15 rounds from his Patrol Rifle at Robles to stop the threat. Officer Burton paused and continuously looked through his sights while conducting an assessment.

Officer Burton recalled,

I was across the street from the target location I could – I observed the suspect. He was in a prone position underneath a vehicle in the driveway with a handgun in his hand – in his right hand. He was low crawling around the car. It looked – it looked like he was trying to find a target or officers to shoot. He was – he – he was looking around a lot mostly towards – most of the cars were – were going to be west of him I was the only officer – me and my partner were the only officers east of him. He was looking their direction looking for a target. At that point, I advised my partner where the suspect was and what he had in his hand and at that point the suspect -- I observed the suspect. He extended his arm out and fired a round at – at officers. At that point I returned fire with my rifle and I fired between 10 to 15 rounds at the suspect. I couldn't tell if he was being hit because we were shooting in between the fence and the suspect already at a prone position so it's different when the suspect is standing. You

⁴³ Officer McPheeters, Page 9, Lines 18-25 and Page 10, Lines 1-2

⁴⁴ Officer McPheeters, Page 31, Lines 4-6 and Lines 11-15

could tell when he's hit and drops but I couldn't tell. I could just see his arm extended and shots still being fired so I believe at the time he was still shooting at us. I continued to fire until I could – until he was no longer a threat; when I saw blood come from the suspect, his upper body area. The increments of which I was shooting were between five and five. I'll shoot one, two, three, four, five; one, two, three, four, five to make sure I had hits on the suspect because I know some of the rounds were probably going to hit that fence and not in fact the suspect.⁴⁵

Well, his gun is still in his hand extended out at us the entire way. So that's like – I continued to fire until I believe he was no longer a threat. I was checking to see if – if he was down or not. I was trying while as I was looking through the sights. I assessed through my sights so I then never came off my sights.⁴⁶

Rounds Fourteen and Fifteen

According to Officer Burton, he paused and continuously looked through his sights conducting an assessment. Officer Burton still heard shots and observed Robles with his head to the side, attempting to acquire another target. Officer Burton fired two additional rounds at Robles to stop the threat. Officer Burton conducted an assessment and observed that Robles was no longer moving.

Officer Burton recalled,

I'm not sure how long the pause was but I just looked through. It was probably less than a second looking through the sights but I could still hear shots and his arm extended. And I -- I stopped firing once I saw that there was blood coming out of his upper body area – and he was no longer moving.⁴⁷

The last two his head is down to the side and it looked like he was – when – it looked like he was getting another target but because his head was down like this [referring to Robles resting his right cheek along his right shoulder, bicep area] with the arm out. So, it kind of looked like his – like he had one eye closed and was still looking for a target. I fired two more and like – and I – I held on and I could see that he was – he wasn't moving anymore.⁴⁸

In this case, the UOFRB conducted a thorough review of the investigation. During their review, they took into consideration that Robles was an armed suspect who began the encounter with the first two responding police officers by attempting to murder them. Robles fired his handgun at Officers Ybarra and Skotte as they approached the location, striking their police vehicle.

Additionally, Robles subsequently took a position of advantage by concealing himself behind the open driver's door of his vehicle in a prone position while still holding a handgun. The incident

⁴⁵ Officer Burton, Page 7, Lines 16-25 and Page 8, Lines 1-22

⁴⁶ Officer Burton, Page 28, Lines 24-25 and Page, 29, Line 1, Page 25, Lines 21-23 and Page 29, Lines 10-11

⁴⁷ Officer Burton, Page 29, Lines 18- 25

⁴⁸ Officer Burton, Page 30, Lines 14-20

rapidly escalated due to Robles' actions. The UOFRB considered the minimal amount of time the officers had to make decisions, the training and experience possessed by the officers and the imminent threat posed by Robles to the officers and the community. The UOFRB noted the lighting at scene and the position of Robles, along with the officers' position, in their evaluation. The UOFRB noted that each officer articulated their perception of an immediate threat, when Robles, armed with a handgun, pointed it in the direction of the officers. Each of the officers specifically articulated their reasons for the use of lethal force which was to defend themselves and the other officers at scene. The UOFRB also deliberated at great length and considered that each of the officers conducted assessments of the rounds fired and their effectiveness.

The UOFRB took into consideration that Officer McPheeters' vantage point allowed him to be in a position to see Robles' handgun and that it was reasonable for Officer McPheeters to perceive that it was being pointed at the officers on the south curb. Officer McPheeters' Patrol Rifle had a magnified optic sight mounted on it, allowing him to have a magnified view of the incident. Additionally, Officer McPheeters articulation was reasonable given the circumstances as he perceived them and based on information from the subsequent investigation.

The UOFRB noted that, based on his positioning, Officer Burton had an optimal angle and line of sight of Robles. Officer Burton had the ability to observe Robles' actions through his Patrol Rifle mounted optic that provided magnification. The UOFRB noted that Officer Burton continued to observe the handgun in Robles' hand and continued to fire to stop the threat. During the UOFRB, the Department's Subject Matter Expert for the Patrol Rifle Program presented that during Patrol Rifle training, officers are trained to fire during various drills and shooting sequences. The training includes a sequence of four rounds fired to the body section of a target, with continuous assessment, and a change of target location to the head to simulate that the rounds were ineffective in stopping a deadly threat. Other drills with assessments between rounds are also trained. Officer Burton articulated that in his assessment, looking through the optic, he perceived an imminent threat to the officers positioned directly south of Robles.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Espinoza, Fuchigami, R. Garcia, Guereca, Hugoboom, McPheeters, Skotte and Ybarra, would reasonably believe Robles' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Based on the totality of the circumstances, I have determined that an officer with similar training and experience as Officer Burton (Rounds 1-4) would reasonably believe Robles' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officers Burton (Rounds 1-4), Espinoza, Fuchigami, R. Garcia, Guereca, Hugoboom, McPheeters, Skotte and Ybarra's Use of Lethal Force to be In Policy, No Further Action.

Based on the totality of the circumstances, I have determined that an officer with similar training and experience as Officer Burton, when firing rounds 5-15, would have exercised greater fire control and conducted a continuous assessment while discharging his Patrol Rifle to determine if Robles' actions still presented an imminent threat of death or serious bodily injury. As such, Officer Burton's Use of Lethal Force (Rounds 5-15) would not be objectively reasonable. Therefore, I find Officer Burton's Use of Lethal Force (Rounds 5-15) to be Out of Policy, Administrative Disapproval.

Additional/Equipment

Required Equipment – The investigation revealed that Officer Ybarra was not equipped with his Oleoresin Capsicum (OC) spray and Hobble Restraint Device (HRD) at the time of the incident. This issue was brought to the attention of Captain L. Paglialonga, Serial No. 30329, Commanding Officer, Southeast Area. Captain Paglialonga recommended that this topic be reviewed with Officer Ybarra during the Tactical Debrief. The Commanding Officer of Operations - South Bureau (OSB) and the Director of the Office of Operations (OO) concurred with this action. As such, I direct this to be a topic of discussion during the Tactical Debrief and deem no further action is necessary.

The investigation revealed that Officer Burton was not equipped with his HRD at the time of the incident. This issue was brought to the attention of Captain Paglialonga, who advised that it was addressed through informal training documented in the Learning Management System (LMS). The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Sergeants Ruiz, Cohen, Castellanos, Salazar and Valento along with Officers Ybarra, C. Garcia, Gov, Fuchigami, Sweet, Espinoza, Guereca, R. Garcia, Marin, Hugoboom, Chung, Reyes, and Burton were not equipped with their side-handle batons which were left in their police vehicles during the incident. This issue was brought to the attention of Captain Paglialonga, who advised that this issue was addressed through informal counselling documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officers McPheeters and Lopez were not equipped with their side-handle batons. The officers left their side-handle batons in their police vehicles during the incident. This issue was brought to the attention of Captain Valenzuela who advised that this issue was addressed through the issuance of a comment card and the generation of a Supervisory Action Item (SAI) for each officer. The Commanding Officer of Counter Terrorism - Special Operations Bureau (CTSOB) as well as the Director of Office of Special Operations (OSO) concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer B. Williams, Serial No. 40857, was not equipped with his ballistic helmet at the time of the incident. According to Officer Williams, his assigned police vehicle for that day had been used to transport an unrelated arrestee by other officers. Officer Williams responded to the incident in Sergeant Valento's police vehicle. This issue was brought

to the attention of Captain Paglialonga, who recommended that this issue be addressed at the tactical debrief. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I direct this to be a topic of discussion during the Tactical Debrief and deem no further action is necessary.

The investigation revealed that Officer McPheeters' Patrol Rifle was equipped with a tactical light which was inoperable at the time of the second OIS. According to Officer McPheeters, his tactical light became inoperable during a previous unrelated help call and needed to be replaced. While the tactical light did not impact the performance of the optics, this issue was brought to the attention of Captain Valenzuela, who advised that it was addressed through the issuance of a comment card and the generation of a SAI. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

BWV activation – The investigation revealed that Officer Ybarra did not activate his BWV camera for the duration of the incident. According to Officer Ybarra, he activates his BWV camera upon arrival at radio calls. However, he was unable to do so during this incident as he was immediately engaged by Robles upon arrival. This issue was brought to the attention of Captain Paglialonga, who advised that it was addressed through a Department-initiated personnel complaint, CF 19-001837. Captain Paglialonga directed Officer Ybarra to receive training on BWV policy during the GTU. Officer Ybarra was the subject of a directed audit for a period of six months. During the six-month period, Officer Ybarra only had one incident of non-compliance. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer Lugo activated his BWV camera two minutes into his emergency response to the incident and that his BWV camera was temporarily deactivated after the help call broadcast.

The investigation revealed that Officer C. Garcia's BWV did not have a complete buffer due to the BWV being powered off and powered back on before it was activated.

The investigation revealed that Officer Fuchigami activated his BWV camera approximately one minute and thirty-five seconds after his arrival at scene.

The investigation revealed that Officer Sweet's BWV camera was temporarily deactivated as the contact team was approaching Robles. According to Officer Sweet, as the contact team was approaching Robles, he lowered his shotgun at which time his BWV camera deactivated. Officer Sweet immediately re-activated his BWV camera upon realizing that it had deactivated.

The investigation revealed that Officer Cooper's BWV did not capture the audio of the initial part of his emergency response.

The investigation revealed that Officers Chung and Burton's BWV were powered off prior to activation and did not have a buffer for their BWV footage. Therefore, their BWV did not capture the initial part of their emergency responses.

The investigation revealed that Sergeant Valento activated his BWV camera approximately ten minutes after his arrival at scene. According to Sergeant Valento, he believed that he activated his BWV camera while responding to the incident.

The investigation revealed that Officers Hugoboom, Williams, and Hawkins activated their BWV cameras upon arrival at scene. Officers Hugoboom, Williams, and Hawkins did not capture audio of their emergency responses on BWV.

Captain Paglialonga advised that a thorough review of Sergeant Valento's, along with Officers Lugo, C. Garcia, Fuchigami, Cooper, Sweet, Chung, Burton, Hugoboom, Williams, Hawkins, Hall, and Roth's work histories had been conducted and revealed there were no incidents involving BWV non-compliance prior to this incident. Captain Paglialonga advised that the aforementioned personnel received informal counseling and divisional training to include a review of Body Worn Video policy. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer Oviatt, in the presence of Sergeant Severns, directed multiple Metropolitan Division officers to power off their BWV cameras. Additionally, Officers Lopez, Rivera and Oviatt powered off their individual BWV cameras, and that Officer Lopez powered off Officer McPheeters' BWV camera after conducting the warrantless search of Robles' property while they were still inside the inner perimeter of the crime scene. This issue was brought to the attention of Captain Valenzuela who advised that it was addressed through the issuance of comment cards and the generation of SAIs for both Sergeant Severns and Officer Oviatt. Additionally, Captain Valenzuela ensured informal counseling was provided and the Office of the Chief of Police Notice regarding "Body-Worn Video Device Pre-Activation Buffer; Requirement to Leave Device Powered On – Reminder" was reviewed in roll calls at Metropolitan Division. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer McPheeters did not activate his BWV camera at the initiation of his emergency response driving; therefore, did not capture the audio of the initial portion of his emergency response. Additionally, Sergeant Severns activated his BWV camera upon arrival at scene and Officer Rivera activated his BWV camera approximately twenty-two seconds after arrival at scene. Sergeant Severns and Officer Rivera did not capture audio of their emergency responses on BWV. These issues were brought to the attention of Captain Valenzuela, who advised that it was addressed through the issuance of comment cards. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Uniform Standard – The investigation revealed that Officer Espinoza was wearing an unauthorized cold weather cap at the time of the incident. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed by providing Officer Espinoza with the Uniform and Equipment Committee Notice regarding "Clarification and Specifications to the Department Approved Cold Weather Cap". The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Digital In-Car Video System (DICVS) Microphones – The investigation revealed that Sergeant Ruiz did not have his DICVS microphone on his person during the incident. According to Sergeant Ruiz he did not realize that the microphone was not on his person until after the incident, which may have come off when he removed his seatbelt. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through informal training documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Personal Protective Equipment (PPE) – The investigation revealed that Officer Hugoboom, was not assigned to the arrest team and, as such, was not wearing gloves when he moved the firearm from Robles' right hand to affect Robles' arrest. Robles' blood was transferred onto Officer Hugoboom's hand in the process. Officer Hugoboom is reminded of the importance of utilizing PPE to prevent exposure to blood and other bodily fluids. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through divisional training. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Building Searches – The investigation revealed that Sergeant Severns, who provided supervisory oversight for the Metropolitan Division officers conducting the warrantless search of Robles' property, did not designate a less-lethal force officer on the search team and did not verify if officers who were involved in the OIS were included in the search team. This issue was brought to the attention of Captain Valenzuela who advised that it was addressed through the issuance of a comment card and the generation of a SAI. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Protocols Subsequent to a Categorical Use of Force Incident – The investigation revealed that Sergeant D. Cornwell, Serial No. 34917, Southeast Patrol Division, advised Sergeant Cohen to return the BWV cameras to the involved officers prior to being interviewed by FID. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through divisional training which was documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary. The investigation revealed that Sergeant Severns directed Officer Oviatt, who was an assistant squad leader, to transport Officer Lopez to Southeast Community Police Station (CPS), while following behind Sergeant Severns' police vehicle. In addition, Sergeant Severns directed Officers Medina and Rivera to follow him in their assigned police vehicle to Southeast CPS. This issue was brought to the attention of Captain Valenzuela who advised that it was addressed through the issuance of a comment card and the generation of a SAI. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Watch Commander's Daily Report – The investigation revealed that Sergeant Linder checked both the Yes and No boxes for the Categorical Use of Force section. This issue was brought to the attention of Captain Paglialonga who advised that it was addressed through informal training,

which was documented in LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Digital In-Car Video System (DICVS) – Southeast Division patrol vehicles were equipped with DICVS.

At the time of the first OIS, there was one unit at scene and their DICVS was not activated due to their Code 2 response.

At the time of the second OIS, there were seven additional black and white police vehicles facing east parked on 113th Street behind Officers Ybarra and Skotte's police vehicle. These vehicles were not in a position to capture the second OIS.

At the time of the second OIS, there was one additional black and white police vehicle facing West parked on 113th Street across from Officers Ybarra and Skotte's police vehicle. Due to the lighting at scene, the DICVS did not capture video of the second OIS. However, it did capture audio of the second OIS.

Body Worn Video (BWV) – Southeast Patrol Division, Southeast Area, and Metropolitan Division officers were equipped with BWV.

Officer Skotte was equipped with BWV, which he activated immediately after the first OIS. Officer Skotte's BWV captured video of the first OIS, but did not capture the audio of it.

Portions of the second OIS, the contact teams approach, and post-categorical procedure were captured on the BWV of the following personnel: Sergeants Ruiz, Cohen, Castellanos, Salazar and Valento, along with Officers Skotte, Languren, C. Garcia, Lugo, R. Garcia, Guereca, Chung, Hawkins, Espinoza, Sweet, Fuchigami, Gov, Hugoboom, Williams, Marin, Cooper, Rareba, McPheeters, Lopez, Rivera and Medina. Along with Officers E. Mott, Serial No. 43102, J. Braun, Serial No. 39254, and M. McCormick, Serial No. 43613, Southeast Patrol Division.

Outside Video – A news media helicopter from KABC, Channel 7, Los Angeles, was overhead and captured a portion of the second OIS. The investigation obtained the available video footage through a search warrant.

Chief's Direction

During the incident, several responding units utilized a vehicle technique referred to as "leapfrogging," which involves a police vehicle maintaining control of traffic while other police vehicles move through an intersection. I am directing the Director of the Office of Support Services (OSS) to conduct a review of Department training standards and best practices regarding the utilization of this technique in emergency response driving and vehicle operations.

Additionally, in order to enhance the future tactical deployment and assessment of all Patrol Rifle Cadre officers, I have instructed the Director of OSS, to review the training standards and pre-designated qualification sequences currently being used during the Patrol Rifle training, certification and qualification.

Furthermore, although, it was determined that Sergeant Severns and Officer Oviatt were not substantially involved in this active incident and did not receive formal findings, they would benefit from the Tactical Debrief to enhance future performance and are directed to attend.

Respectfully,



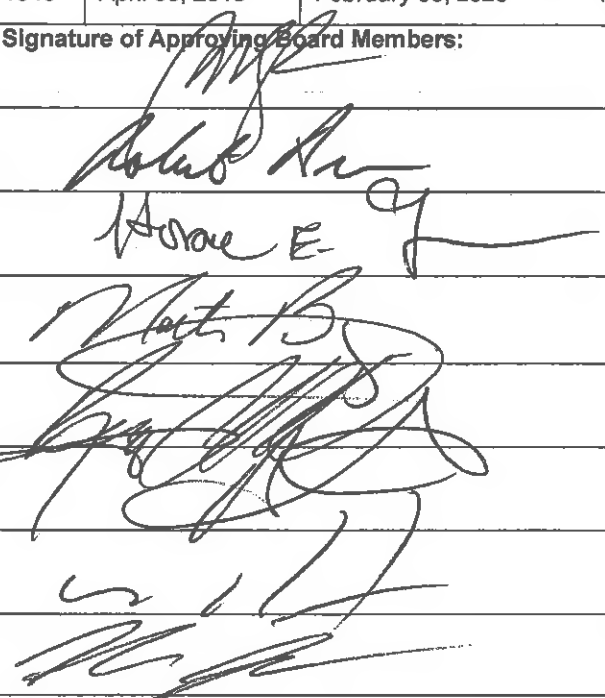
MICHEL R. MOORE
Chief of Police

Date: 2-28-20

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC NO. 018-19	CF NO. 19-001837 19-001738	DR. NO. 18-1911765
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 1927 E. 113 th Street	RD 1849	Date of Incident April 30, 2019	Date and Time of Board Review February 03, 2020 1230 Hours
Chairman Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members:		
Member (Office of Operations) Assistant Chief R. Arcos, Serial No. 26185			
Member (Office of Special Operations) Assistant Chief H. Frank, Serial No. 25958			
Member (Police Sciences and Training Bureau) Deputy Chief M. Baeza, Serial No. 26624			
Member (Operations-South Bureau) Deputy Chief R. Scott, Serial No. 25512			
Member (Counter Terrorism and Special Operations Bureau) Commander H. Leslie, Serial No. 25419			
Member (Peer, Sergeant) Sergeant E. Hernandez, Serial No. 34779			
Member (Peer, Officer) Officer N. Grace, Serial No. 41292			
Presenting Commanding Officer Captain L. Paglialonga, Serial No. 30329			
Presenting Commanding Officer Captain C. Valenzuela, Serial No. 33440			
NOTES:			
<div style="text-align: right;"> RECEIVED POLICE COMMISSION 2020 FEB 28 AM 11:02 </div> <div style="text-align: center;"> RECEIVED MAR 06 2020 OFFICE OF THE INSPECTOR GENERAL </div>			
ADDITIONAL CONSIDERATIONS:			
MODIFICATION TO PRESENT POLICY, PRACTICES OR TRAINING:			
<div style="text-align: right;"> RECEIVED MAR 06 2020 OFFICE OF THE INSPECTOR GENERAL </div>			
<div style="text-align: right;"> COP Date Signed: 02/28/20 PC Date Submitted: 02/28/20 </div>			

Employee (Last Name, First, Middle) Ybarra, Derrick		Serial No. 36360	Rank/Class Police Officer III	Incident No. 018-19
Length of Employment 16 years, 10 months		Current Division Southeast		Time in Current Division 2 years, 9 months
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Skotte, David		Serial No. 43709	Rank/Class Police Officer I	Incident No. 018-19
Length of Employment 0 years, 7 months		Current Division Southeast	Time in Current Division 0 years, 11 months	
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

- ☐ Extensive Retraining
☐ Notice to Correct Deficiencies
☐ Personnel Complaint
☐ Employee's Work History Reviewed

Notes:

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) Garcia, Richard		Serial No. 39758	Rank/Class Police Officer II	Incident No. 018-19
Length of Employment 10 years, 5 months		Current Division Southeast	Time in Current Division 5 years, 9 months	
Use of Force Review Board		Chief of Police	Police Commission	
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
Notes:				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) Guereca, Christian		Serial No. 41060	Rank/Class Police Officer II	Incident No. 018-19
Length of Employment 6 years, 11 months	Current Division Southeast		Time in Current Division 4 years, 10 months	
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Burton, Andre		Serial No. 40021	Rank/Class Police Officer III	Incident No. 018-19
Length of Employment 10 years, 1 month		Current Division Olympic		Time in Current Division 0 years, 5 months
Use of Force Review Board		Chief of Police		Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) ROUNDS 1-4 <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) ROUNDS 5-15		Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes: COP LETHAL UOF ROUNDS 1-4 - IN POLICY ROUNDS 5-15 - OUT OF POLICY, AD				
Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint		Notes:		
<input type="checkbox"/> Employee's Work History Reviewed				

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Ruiz, Gabriel		Serial No. 37408	Rank/Class Sergeant I	Incident No. 018-19
Length of Employment 14 years, 2 months		Current Division Southeast	Time in Current Division 1 years, 5 months	
Use of Force Review Board		Chief of Police		Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval COMMAND & CONTROL		Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

- ☐ Extensive Retraining
☐ Notice to Correct Deficiencies
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) Cohen, Jennifer		Serial No. 38352	Rank/Class Sergeant I	Incident No. 018-19
Length of Employment 12 years, 5 months		Current Division Southeast	Time in Current Division 2 years, 4 months	
Use of Force Review Board		Chief of Police	Police Commission	
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		
<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
Notes:				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint		Notes:		
<input type="checkbox"/> Employee's Work History Reviewed				

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Notes:

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***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) Reyes, Gustavo		Serial No. 39302	Rank/Class Police Officer III	Incident No. 018-19
Length of Employment 11 years, 1 month		Current Division Southeast		Time in Current Division 8 years, 6 months
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint		Notes:		
<input type="checkbox"/> Employee's Work History Reviewed				

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Marin, Miguel		Serial No. 42989	Rank/Class Police Officer II	Incident No. 018-19
Length of Employment 2 years, 1 month		Current Division 77th Street	Time in Current Division 0 years, 8 months	
Use of Force Review Board		Chief of Police	Police Commission	
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Notes:				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.